

**PROPOSED REGULATIONS BY DLSE TO IMPLEMENT
THE PROVISIONS OF AB 1688
GOVERNING ENFORCEMENT AND REGISTRATION
IN THE CAR WASH INDUSTRY
Title 8, California Code of Regulations
Division 1, Chapter 6, Subchapter 11
Sections 13680 through 13693**

ADDENDUM TO FINAL STATEMENT OF REASONS

The following non-substantive changes have been made to the final text of the regulations and to Forms 666 and 668:

1. The heading of the regulations has been underlined.
2. Section 13680(e) has been rewritten to clarify that the Registration packet includes the application and all of the items included in (e)(1) through (14).
3. The dates of Forms DLSE 666 and 668 have been changed to reflect that the forms have been revised and are different from the original forms submitted with the regulations. DLSE 666 was changed by a 15-day comment period but its date was inadvertently not revised at that time. DLSE 668 was revised to comply with the law after it was reviewed by the Attorney General's office pursuant to Government Code Section 11110. All changes made to DLSE 668 were nonsubstantive. The correct date for both Forms 666 and 668 is 09/05 and the text has been corrected to reflect the 09/05 date.
4. Section 13680(b)(4) has been changed to correct a clerical error and now refers to subdivision (c) of section 13683 and not subdivision (b).
5. Section 13681(a) has been reworded to clarify that the records required under Labor Code Sections 226 and 2052 must be kept for at least 3 years, while the records required under Labor Code Section 1174 must be kept at least 2 years.

6. Section 13682(b)(2) has been rewritten to omit the option of the bond being on the surety's form and requiring that it be on the "Car Wash Bond" form provided by the Labor Commissioner since this is the form that was approved by the Attorney General's office and is the only form that can be used pursuant to Government Code Section 11110.
7. Section 13682(e) has been changed to add the date of 04/04 to the reference for IRS Form 8821.
8. Section 13683(b) was rewritten to add the complete wording of the last sentence of Labor Code Section 2059(a) which provides for adjustment of the registration fees. It also provides that adjustment must be made pursuant to regulation.
9. Section 13684(c) was changed to correct a clerical error. The subsection refers to paragraphs (1) through (5) but it should refer to paragraphs (1) through (6) since that includes all of the possible counties in the state.
10. Section 13693(b) has been redrafted for clarity to provide that "good cause" will be determined by the Labor Commissioner or a presiding deputy.
11. Section 13693(d) has been withdrawn for further review as it may be inconsistent with the Code of Civil Procedure and therefore be unenforceable.
12. Labor Code Section 226.5 was added as a Reference to Section 13691 since the section is patterned after the citation appeal procedures contained in Labor Code Section 226.5.
13. The Car Wash Bond form was revised to comply with the requirements of the Code of Civil Procedure Bond and Undertaking Law, after it was reviewed by the Attorney General's Office, as required by Government Code Section 11110. Subsequent to the revision the Bond Form was approved by the Attorney General's Office.
14. The Car Washing and Polishing Registration Application Form 666 (9/05) and Car Wash Bond Form 668 (9/05) are incorporated by reference. It would be cumbersome, unduly expensive and impractical to publish these

forms in the California Code of Regulations. The regulation text specifies that the forms are being incorporated by reference. The forms are available upon request directly from the Division of Labor Standards Enforcement/Department of Industrial Relations and are also available on the Division/Department's website.

15. Section 13683(b) was rewritten to add the complete wording of Labor Code Section 2059 and to specify Part 8.5 of Division 2 of the Labor Code, Section 2050, et seq.
16. Section 13684(b)(2) was revised to correct reference to subsection (c) with subdivision (c).

The following addition has been made to the Summary and Responses to the Specific Comments in the FSR:

1. The Comments heading on the chart has been changed to indicate that in addition to the Comments pursuant to the 45-Day Comment Period, it also contains the Comments pursuant to the 15 Day Comment period after the Modifications to the Regulations contained in Sections 13682(b)(1) and (3) and Section 13693(a). The 15-day comments not related to these sections were not summarized and responded to because they are outside the scope of the 15-day comment period.